

Department of Energy

§ 1046.3

(ix) In those cases where all or part of documents or other material responsive to a request cannot be declassified, notify the requester that he or she has the right to administratively appeal the denial within 60 days of receipt of the denial letter. The requester should be notified that the appeal shall specify why the requester believes that the information in question does not warrant classification and, if possible, should include copies of the initial request letter and the denial letter from the Director of Classification. The appeal should be sent to the Assistant Secretary for Defense Programs, U.S. Department of Energy, Washington, DC 20545.

(c) Appeals of denials of mandatory declassification review requests.

(1) Immediately upon receipt of an appeal request, an ad hoc committee will be assembled and headed by a representative from the Office of the Assistant Secretary for Defense Programs and made up of representatives from any Department organizations that have an interest in the subject of the appeal.

(2) The Office of Classification will provide the committee all information, documents, and any other assistance pertinent to the appeal, and will advise the committee with regard to the classification of the information involved.

(3) The committee will review the basis for the denial and transmit its findings and recommendations to the Assistant Secretary for Defense Programs within 15 working days following receipt of the appeal.

(4) Based on the committee report, the Assistant Secretary for Defense Programs shall make a final determination on the appeal within 25 working days following receipt of the appeal. The head of the committee then shall notify the requester, within 30 working days following receipt of the appeal, in writing, of the final determination. Based on this determination and consistent with other applicable law, copies of declassified documents or other material or declassified portions of classified documents or other material responsive to the request will be released to the requester, upon payment of any required fees, and/or the requester will be given a statement as to why some or all of the documents or other material cannot be declassified.

§ 1045.7 Suggestions or complaints.

Any individual who has suggestions or complaints regarding the Department's information security program may direct them in writing to the Director of Classification, U.S. Department of Energy, Washington, DC 20545. Such letters should include a description of the issue or problem, the suggestion or complaint, all applicable background information, and an address to which a response may be sent. The Office of Classification will review such submissions and will

respond to the originator of the suggestion or complaint letter.

PART 1046—PHYSICAL PROTECTION OF SECURITY INTERESTS

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APPENDIX A TO SUBPART B TO PART 1046—
MEDICAL AND PHYSICAL FITNESS QUALIFICATION STANDARDS

APPENDIX B TO SUBPART B TO PART 1046—
TRAINING AND QUALIFICATION FOR SECURITY SKILLS AND KNOWLEDGE

AUTHORITY: Sec. 2201, Pub. L. 83-703, 68 Stat. 919 (42 U.S.C. 2011 *et seq.*); sec. 7151, Pub. L. 95-91, 91 Stat. 565 (42 U.S.C. 7101 *et seq.*)

SOURCE: 58 FR 45791, Aug. 31, 1993, unless otherwise noted.

Subpart A—General

§ 1046.1 Purpose.

The purpose of this part is to set forth Department of Energy, hereinafter "DOE," security policies and procedures regarding the physical protection of security interests.

§ 1046.2 Scope.

This part applies to DOE contractor employees at Government-owned facilities, whether or not privately operated.

§ 1046.3 Definitions.

For the purposes of this part:

Contractor. The term "contractor" includes subcontractors at all tiers.

Defensive combative personnel. Security police officers other than offensive combative personnel.

Designated physician. An occupational medical physician who is recommended

by the designated management supervisory official of the local DOE field office and authorized by the Medical Director, Office of Operational and Environmental Safety, Headquarters, to determine the medical and physical condition of protective force personnel. When an occupational medical physician is not available, physicians who are not board-certified in occupational medicine may be recommended and authorized by the Medical Director as designated physicians for the purpose of this part. Designated physicians need not be employed full-time, but contractually shall be responsible to DOE for performance of the medical functions required by this part.

Facility. An educational institution, manufacturing plant, laboratory, office building or other area utilized by the DOE or its contractors or subcontractors for the performance of work under DOE jurisdiction.

Field organization. Any organizational component of the DOE located outside the Washington, DC metropolitan area.

Guard. Also referred to as Security Officer, an unarmed individual who is employed for, and charged with, the protection of classified matter or Government property.

Medical condition. General health, physical condition, and emotional and mental stability.

Offensive combative personnel. Security police officers assigned to response force duties including pursuit and assault functions.

Protective force personnel. Security officers and security police officers assigned to protective details, who are employed to protect DOE security interests.

Qualification date. The date of expiration of current qualification at which demonstration of knowledge, skills and/or abilities is required to maintain specific job status.

Security inspector. Also referred to as Security Police Officer, a uniformed person who is authorized under section 161.k of the Atomic Energy Act of 1954, as amended, or other statutory authority, to carry firearms and to make arrests without warrants and who is employed for, and charged with, the protection of classified matter, special nu-

clear material, or other Government property.

Security police officer. An armed member of the protective force, previously referred to as a "security inspector."

Special response team member. A security police officer who has been selected to be part of a unit specially trained to provide additional protection capability.

§ 1046.4 Use of number and gender.

As used in this part, words in the singular also include the plural and words in the masculine also include the feminine and vice versa, as the use may require.

Subpart B—Protective Force Personnel

§ 1046.11 Medical and physical fitness qualification standards.

(a) Except as provided in paragraph (b) of this section DOE contractors shall not employ as protective force personnel any individual who fails to meet the applicable medical and physical fitness qualification standards as set forth in appendix A, to this subpart, "Medical and Physical Fitness Qualification Standards."

(b)(1) Incumbent security police officers shall meet the applicable physical fitness qualification standards.

(2) Current waivers to the medical qualification standards remain in effect and future waivers are permitted.

(c) Each security police officer shall meet the applicable medical and physical fitness qualification standards every twelve months after the initial qualification. Each security officer shall meet the applicable medical standards every two (2) years after the initial qualification.

[58 FR 45792, Aug. 31, 1993; 58 FR 60102, Nov. 15, 1993]

§ 1046.12 Physical fitness training program.

(a) Each incumbent security police officer, who has not met the applicable physical fitness qualification standard, shall participate in a DOE approved physical fitness training program. Once an incumbent security police officer has begun a physical fitness training